

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

AMANDA DEANNE SMITH,)
v. Plaintiff,)
CITY OF VIRGINIA BEACH, et al.) CASE NO: 2:08cv449
Defendants.)

**AMANDA DEANNE SMITH'S
MOTION FOR LEAVE TO FILE AMENDED COMPLAINT
AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF**

COMES NOW, Amanda Deanne Smith, by counsel, pursuant to Federal Rule of Civil Procedure 15(a), hereby moves the Court for leave to file an Amended Complaint tendered herewith, and in support thereof states the following:

1. Amanda Deanne Smith (herein "Smith") merely seeks to correct one or more scriveners's error(s) and properly and fully set forth issues for venue, pursuant to 28 U.S.C. § 1391 et seq.
2. The Defendants will not be prejudiced with this amendment, including without limitation that no defendants have been served and the time to serve said defendants has not expired.

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
OF MOTION TO AMEND**

Smith may seek leave from the Court to amend her Complaint. "[A] party may amend the party's pleading only by leave of court..., and leave shall be freely given when justice so requires." FED. R. CIV. PRO. 15(a). In the absence of undue delay, bad faith or dilatory motive,

or undue prejudice to the opposing party, the Court should freely give Smith the right to amend her Complaint. Froman v. Davis, 371 U.S. 178, 182 (1962). “[T]he federal rules strongly favor granting leave to amend.” Medigen of Ky., Inc. v. Pub. Serv. Comm’n of W. Va., 985 F.2d 164, 167-68 (4th Cir. 1993)(42 U.S.C. §1983 - attorney fees amendment allowed). “The clearest cases for leave to amend are to correct an insufficient claim or defense and to amplify a previously alleged claim or defense.” Donovan v. Porter, 584 F. Supp. 202, 207 (D. Md. 1984).

Smith seeks to amend her Complaint to correct a correct scriveners’s error as to the style and to completely and fully set forth the appropriate venue. Smith does not seek to delay the trial date in this matter as none has been set, no drafts have been served, and time has not expired for service of responses. Smith believes that this amendment will neither increase nor decrease the amount of work necessary to respond to her Complaint.

WHEREFORE, Amanda Deanne Smith respectfully requests that the Court grant her leave to file the Amended Complaint tendered herewith.

AMANDA DEANNE SMITH

BY:/s/ _____
Of Counsel

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